IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.MC.No. 2141 of 2007()

C.C.NO.59/2006 OF J.F.C.M PERINTHALMANNA

PETITIONER: ACCUSED:

K. HAMZA HAJI, S/O.MOHAMMED HAJI (LATE),
KUNNATH HOUSE, TIRURKAD P.O.,PERINTHALMANNA TALUK.

BY ADV. SRI.K.MUHAMMED SALAHUDHEEN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. V.K. RATHEESH, S/O. VASU,
VATTAMKANDATHIL HOUSE, CALICUT ROAD,
PERINTHALMANNA P.O., MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2141 of 2007

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Dated this the 4th day of July, 2007

O R D E R

The grievance of the petitioner is that a non-bailable warrant has been unnecessarily issued against the petitioner notwithstanding the fact that there was no direction to the petitioner to appear personally on the date of posting nor was the complainant present on that date to proceed with the trial of the case. The petitioner was represented by counsel. But inspite of that, in violation of the directions in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339), non-bailable warrant was issued against the petitioner.

2. I am satisfied that a report of the learned Magistrate must be called for. Call for a report from the learned Magistrate. The learned Magistrate shall specify whether there was a direction to the petitioner to appear personally on that day and if not why warrant of arrest has been issued against the petitioner even when he was represented by counsel. Await the report of the learned Magistrate. Call on 16.7.2007.

Crl.M.A. 3276 of 2007

There shall also be an interim direction that warrant of arrest shall not be executed until further orders.

(R. BASANT)
Judge

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